IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.79 OF 2002
IN
SUMMARY SUIT NO.5047 OF 2000

M/s.PKL Limited ..Plaintiff.
Vs.
M/s.Sagar Sales Corporation ..Defendants.

Mr.N.R.Bubna for the Plaintiff.
Mr.G.C.Singh for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 5TH DECEMBER, 2005

P.C. :

The suit is filed to recover the price of goods sold and delivered by the Plaintiff to the Defendants.

2. That the goods were sold and delivered as per the terms and conditions of the invoice is not denied. That the Defendants have appropriated the goods is not denied. That the Defendants have not paid the price is not denied.

3. The only defence is that in respect of a transaction of the year 1997 the Plaintiff was liable to pay to the Defendants a sum of Rs.2,14,736/-. By a letter dated 3.3.2000 the Plaintiff agreed to discuss this issue as well.

4. However, no prodceedings have been adopted by the Defendants in respect of the alleged dues of 1997.

5. In the circumstances, Leave to defend granted to the Defendant conditional upon the Defendant depositing in this Court a sum of Rs.1,75,000/- within eight weeks from today.

6. In the event the Defendants deposit the aforesaid amount, the suit to stand transferred to the list of Commercial Causes. The Defendants to file their written statement within 30 days. Discovery and Inspection within four weeks thereafter.

7. In the event the Defendants fail to deposit the aforesaid amount, liberty to the Plaintiffs to apply for further orders.

8. On the said deposit being made, the Prothonotary and Senior Master to invest the same in any Nationalised Bank initially for a period of 2 years and shall renew the same thereafter for a period of one year from time to time.

Summons for Judgment stands disposed of accordingly.